

COMMITTEE ON RULES

RANKING MEMBER

WASHINGTON OFFICE:
2469 RAYBURN BUILDING
WASHINGTON, D.C. 20515-3221
(202) 225-3615



DISTRICT OFFICE:

3120 FEDERAL BUILDING
100 STATE STREET
ROCHESTER, NY 14614
(585) 232-4850

Website: <http://www.louise.house.gov>

LOUISE M. SLAUGHTER
CONGRESS OF THE UNITED STATES
25TH DISTRICT, NEW YORK

1091

October 6, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Received & Inspected

OCT 10 2014

FCC Mail Room

Dear Chairman Wheeler:

I am writing to urge you to implement strong and unambiguous net neutrality rules that protect the Internet from discrimination and other practices that will impede its ability to serve our democracy, empower consumers, and fuel economic growth. Erecting toll booths or designating fast lanes on the information superhighway would stifle free speech, limit consumer choice, and thwart innovation.

The FCC must act in a clear and decisive way to ensure the Internet does not become the bastion of powerful incumbents and carriers, but rather remains a place where all speakers, creators, and innovators can harness its power now and in the future. The Internet is a staple of our lives and our economy. The FCC should protect access to the Internet under a Title II framework, with appropriate forbearance, thereby ensuring greater regulatory and market certainty for users and broadband providers.

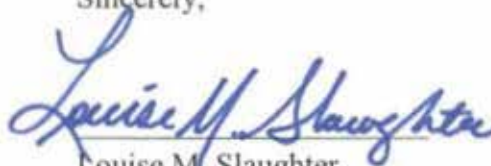
To ensure that the Internet fulfills its promise of being a powerful, open platform for social, political, and economic life, the FCC must adopt a rule against blocking, a bright-line rule against application-specific discrimination, and a rule banning access fees. These principles of fairness and openness should not only apply to the so-called last-mile network, but also at points of interconnection to the broadband access provider's network. Likewise, strong net neutrality rules must apply regardless of whether users access the Internet on fixed or mobile connections.

The FCC's proposed rules would be a significant departure from how the Internet currently works, limiting the economic and expressive opportunity it provides. Investors, entrepreneurs, and employees have invested in businesses based on the certainty of a level playing field and equal-opportunity marketplace. The proposal would threaten those investments and undermine

the necessary certainty that businesses and investors need going forward. The current proposed rules, albeit well-meaning, would be far-reaching. Erecting new barriers to entry would result in fewer innovative startups, fewer micro-entrepreneurs, and fewer diverse voices in the public square. The FCC should abandon its current proposal and adopt a simple rule that reflects the essential values of our free markets, our participatory democracy, and our communications laws.

When the history of the Internet is written, 2014 will be remembered as a defining moment. This FCC will be remembered either for handing the Internet over to the highest bidders or for ensuring that the conditions of Internet openness remain for the next generation of American entrepreneurs and citizens. I urge you to take bold and unequivocal action that will protect the open Internet and the opportunity it affords for innovation, economic development, communication, and democracy itself.

Sincerely,



Louise M. Slaughter
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 17, 2014

The Honorable Louise Slaughter
U.S. House of Representatives
2469 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Slaughter:

Thank you for your letter about the need for the Commission to restore rules to protect the Open Internet. I share your concerns. Since the D.C. Circuit's decision in January, there are no rules in place to prevent a broadband provider from engaging in conduct harmful to Internet openness, such as blocking a consumer from accessing a requested website or degrading the performance of an innovative Internet application. The Open Internet is too important to leave consumers and innovators unprotected. We must reinstate strong, enforceable Open Internet rules, and we must do so with dispatch.

As you know, in May, the Commission adopted a *Notice of Proposed Rulemaking* ("Notice") to begin that process. We asked a fundamental question: What is the right public policy to ensure that the Internet remains open? And we sought comment on the best way to achieve that fundamental policy goal. The response has been remarkable: Over 3.7 million comments were filed by the close of the comment period on September 15, 2014. This record-setting level of public engagement reflects the vital nature of Internet openness and the importance of our getting the answer right in this proceeding.

Your letter touches on key issues in the *Notice*, and it will be included in the record and considered as a part of the Commission's review. You call on the FCC to ensure that "the Internet does not become the bastion of powerful incumbents and carriers, but rather remains a place where all speakers, creators, and innovators can harness its power now and in the future." I wholeheartedly agree. The purpose of our Open Internet rules will be to protect and promote the Open Internet, including eliminating discrimination that harms consumers, competition, and free expression. You also raise concerns about "[e]recting toll booths or designating fast lanes on the information superhighway." Here, too, we agree. I have repeatedly stated my opposition to "fast lanes" that degrade the quality of the consumer's experience or create an artificial structure that interferes with the virtuous cycle of the Internet ecosystem. With concerns like these in mind, our *Notice* expressly asks whether and how the Commission can prohibit or presume illegal paid prioritization practices, consistent with our authority.

With respect to your concerns about the legal foundation for our rules, the Commission is considering several options, including Section 706 and Title II of the Communications Act. The *Notice* specifically asks questions about these approaches, including whether the Commission should revisit its classification of broadband service as an information service or whether we

should separately identify and classify under Title II a service that “broadband providers... furnish to edge providers.” For approaches involving a Title II classification, we also ask about how our forbearance authority should be used to tailor Title II obligations to achieve our public policy goals. Since the *Notice*, record filings by some parties – such as AOL, Mozilla, the Center for Democracy and Technology, a coalition of library and higher education associations, Rep. Henry Waxman, and others – have suggested additional approaches that would combine aspects of both our Section 706 and Title II authority. We are looking closely at these approaches as well. This reflects what I have said many times, most recently before the House Committee on Small Business: All options remain on the table, including Title II.

You also urge the adoption of Open Internet rules that apply to points of interconnection, as well as the last mile, and to mobile broadband in the same ways as fixed. Our *Notice* asked questions about whether changes in Internet ecosystem should lead the Commission to revisit and expand the scope of the 2010 rules in these ways. In addition, we held separate Open Internet Roundtable discussions on September 16, 2014, focused on the scope of our Open Internet rules and whether and how they should apply to mobile broadband, including the application of reasonable network management to wireless technologies.

Our *Notice*, of course, is just the beginning. In addition to our Roundtable discussions on the scope of the rules and mobile issues, I was also pleased to participate in Roundtable discussions about how to tailor our rules to achieve our policy goals, enforcement, technology, economic theory, and, most recently, legal authority. Through these events, we have heard views of experts on all sides of the issue, along with real-time input from the public. At the same time, a cross-Commission staff team is hard at work reviewing the many comments filed over the last four months. Our efforts will ensure that all views are taken into account as the Commission looks to adopt sustainable rules that achieve our shared Open Internet goals.

From the outset of this critically important undertaking, I have been and remain committed to exercising the Commission’s authority, as needed, to ensure the Internet remains free and open for decades to come. I look forward to continued engagement with you as the proceeding moves forward to a successful conclusion.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized flourish at the end.

Tom Wheeler